

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

NEW MEXICO CATTLE GROWERS)	
ASSOCIATION, <i>et al.</i> ,)	
Petitioners,)	
)	
v.)	Case No. 1:23-cv-150-JB-GBW
)	
UNITED STATES FOREST)	
SERVICE, <i>et al.</i> ,)	
Federal Respondents,)	
)	
and)	
)	
CENTER FOR BIOLOGICAL)	
DIVERSITY,)	
)	
Proposed)	
Respondent-Intervenor.)	
)	

**THE PARTIES' JOINT MOTION TO AMEND
SCHEDULING ORDER FOR MERITS BRIEFING**

The Parties, by and through undersigned counsel of record, respectfully request that the Court amend the May 10, 2023, Scheduling Order for merits briefing, ECF No. 40. In closing the May 22, 2023 intervention motion hearing, ECF No. 42, the Court stated its intent to grant the intervention motion, and directed the Parties to work together on any requested briefing modifications. Although the Court has not yet issued a formal order on intervention, the Parties

propose amending the May 10, 2023 Scheduling Order, so that Intervenor's response brief would be due two weeks after Federal Respondents' response brief,¹ and Petitioners' reply brief would be due December 7, 2023.² As discussed at the May 22 hearing, Intervenor and Federal Respondents believe a staggered approach to briefing will best promote briefing efficiency, allowing Federal Respondents and Intervenor to present their respective arguments while minimizing unnecessary redundancy and overlap between the two briefs. Accordingly, the Parties propose amending the briefing schedule as follows, with agreed upon word limits to accommodate the additional briefing for Intervenor:

Federal Respondents' Response Brief (14,000 words)	October 19, 2023
Intervenor's Response Brief (13,000 words)	November 2, 2023
Petitioners' Reply Brief (10,000 words)	December 7, 2023

All Parties join in this Join Motion, and a proposed form of order granting the requested schedule modifications in this Joint Motion will be submitted to Chambers.

Dated: September 19, 2023.

Respectfully submitted,

TODD KIM
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 Environment and Natural Resources Division

¹ Due to unforeseen litigation obligations in other matter, Federal Respondents respectfully request, and the Parties do not oppose, moving Federal Respondents' Response Brief due date from October 12, 2023, to October 19, 2023.

² As the Court has not yet formally granted the Motion to Intervene, this motion to amend is being submitted based on the assumption the Court will grant the motion as indicated at the hearing. Petitioners are willing to agree to the schedule modification if the Court intends to grant the Motion to Intervene, but do not consent to the Center for Biological Diversity's Motion to Intervene.

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